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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/594,015   | 05/02/2008  | Gorka Garcia         | GB04 0067 US1       | 7309             |
| 65913  | 7590        | 11/16/2010           | EXAMINER            |                  |
| NXP, B.V.<br>NXP INTELLECTUAL PROPERTY & LICENSING<br>M/S41-SJ<br>1109 MCKAY DRIVE<br>SAN JOSE, CA 95131 |             |                      | KOSTAK, VICTOR R    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2422                |                  |
|  |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|  |             |                      | 11/16/2010          | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/594,015 | <b>Applicant(s)</b><br>GARCIA ET AL. |  |
|                              | <b>Examiner</b><br>Victor Kostak     | <b>Art Unit</b><br>2422              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. See MPEP 606.01.

2. The drawings are objected to because all block circuits must be functionally labeled in compliance with rules 83(a) and 84(o).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.

#### **Arrangement of the Specification**

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As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:**

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities: in line 7 on page 5, “version” should be changed to - - vision - -.

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no disclosure of the battery level being monitored (which is recited in claims 3 and 11).

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6. Claim 13 is objected to because of the following informalities: there is no step recited in method claim 13. Appropriate correction is required.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tults (5,900,913) in view of Kirkland (5,900,918) or Harris et al. (2002/0021760).

Tults discloses an A/V system (i.e. television) shown in Fig. 1 that receives audio and video broadcast components.

When an operating characteristic of the video component deteriorates (e.g. deflection is not available: col. 2 lines 5-9), an auxiliary component is played regardless (i.e. closed-captioning) and the video component power supply is switched off (col. 4 line 29+).

Tults points out that any auxiliary component may be played instead of closed captioning (e.g. col. 1 lines 30-45), and both Kirkland (col. 6 lines 17-19) and Harris (section [0027]) acknowledge that audio description data is both an auxiliary component and similar to closed caption data.

In view of these express teachings of Tults, Kirkland and Harris, it would therefore have been obvious to one of ordinary skill the art to have audio description data played when the video component is noticeably deteriorated, thereby meeting claims 1 and 9.

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As for claims 2 and 10, the operating characteristic of the deflection data being available or not must inherently be monitored to both identify that condition and to switch off the power supply to it.

8. Claims 3, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tults and Kirkland or Harris, in view of Asai et al. (2002/0000984).

As discussed above, Tults detects a system condition that renders the video reproduction ineffective.

Asai likewise discloses a television receiver (for example: section [0139]) that monitors an operating condition (i.e. battery level) to determine if continued display should be provided (section [0306]).

It would have been obvious to one of ordinary skill in the art to monitor various operations involved in effecting A/V reproduction such as the power supply as expressly disclosed by Asai, in a system that provides audio, video and text display, which both Tults and Asai refrain from happening when the condition is inadequate because the reproduction would not be satisfactory, thereby meeting claims 3 and 11.

As for claim 8, Asai discloses a cell-phone (e.g. Fig. 2A), which would have been obvious to use in Tults as the A/V television receiver since it is a well known and available type of television.

9. Claims 4, 6, 7, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tults and Kirkland or Harris, in view of Rich (5,758,271).

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Rich discloses monitoring plural signal parameters of a radio receiver for its reception quality (noting Fig. 1), including data handling and broadcast quality (e.g. bit-error rate: col. 6 lines 34-37; RSSI: Fig. 4).

It would have been obvious to one of ordinary skill in the art to use any suitable parameter to determine if a video broadcast is acceptable in Tufts, such as by monitoring data handling or broadcast quality as disclosed by Rich, such measure yielding predictable results, and thereby meeting claims 4, 6, 12 and 14.

Regarding claims 7 and 15, the bit data of the transmitted signal represents picture data and therefore the bit error rate, so the picture quality monitoring is covered by this data.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Claims 5 and 13 appear allowable over the prior art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Kostak whose telephone number is (571)272-7348. The examiner can normally be reached on 6:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Harold can be reached on (571) 272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Or faxed to:**

**(571) 273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.

/Victor R. Kostak/  
Primary Examiner  
Art Unit 2622

VRK



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